

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:15-CR-324-F-1

UNITED STATES OF AMERICA

vs.

ARNOLD OGDEN JONES, II,

Defendant.

**ORDER**

Before the court is the Government's motion to seal docket entry 47 and any attachments thereto. [DE 48]. The Government's motion is not accompanied by a supporting memorandum.

Local Criminal Rule 55.2(a) provides that "[a] party desiring to file a document under seal must first file a motion seeking leave in accordance with Section T of the CM/ECF Policy Manual ["Policy Manual"]." The Policy Manual provides that a motion to seal may be filed without a supporting memorandum only if the filing party can cite a statute or rule that requires the filing to be sealed. Policy Manual, § T(1)(a). Otherwise, the movant must submit a supporting memorandum specifying:

- (i) the exact document or item, or portions thereof, for which filing under seal is requested;
- (ii) how such request to seal overcomes the common law or the First Amendment presumption to access;
- (iii) the specific qualities of the material at issue which justify sealing such material, taking into account the balance of competing interest in access;
- (iv) the reasons why alternatives to sealing are inadequate; and
- (v) whether there is consent to the motion

*Id.* The Policy Manual provides further that "[i]n addition to the motion and supporting memorandum, the filing party must set out such findings in a proposed order to seal, which should be submitted in accordance with Section M of th[e] Policy Manual."

The instant motion does not cite a statute or rule requiring the sealing of docket entry 47. Moreover, the Government must comply with Section T of the Policy Manual, which it failed to do. In fact, the Government's motion is silent as to the basis for the proposed sealing of docket entry 47. That said, docket entry 47 includes one statement regarding the sealing thereof:

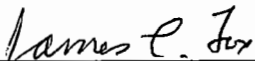
As this Motion includes references to scandalous and uncharged allegations of wrongdoing on the part of a witness and others, and because this Motion makes reference to a prior sealed Stipulation and Order [D.E. 30], the Government respectfully requests that this Motion and any order concerning the same be sealed.

[DE 47 at 26]. This statement does not meet the requirements of Section T of the Policy Manual. Accordingly, the court finds it lacks sufficient information to properly consider the matter given the Government's failure to comply with Local Criminal Rule 55.2(a).

For the foregoing reasons, the Government's motion to seal [DE 48] is DENIED WITHOUT PREJUDICE.

SO ORDERED.

This the 8th day of August, 2016.

  
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**JAMES C. FOX**  
Senior United States District Judge